

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

DAMILARE SONOIKI,

Plaintiff,

v.

HARVARD UNIVERSITY, et al.,

Defendants.

Civil Action No. 1:19-cv-12172-LTS

**DEFENDANTS' NOTICE OF WITHDRAWAL OF MOTION TO COMPEL [DKT. 71]**

Defendants Harvard University, Harvard University Board of Overseers, and the President and Fellows of Harvard College (together, "Harvard")<sup>1</sup>, hereby provide notice of withdrawal of the motion filed by Harvard with the Court on November 11, 2022 (Dkt. 71, the "Motion"), without prejudice.

As discussed in the Motion and in the Memorandum in Support of Defendants' Motion to Compel, Plaintiff informed Harvard during a meet and confer on November 9, 2022, that the parties were at an impasse because Plaintiff was unwilling to supplement his responses to Interrogatories Nos. 5, 11, and 13 and Requests for Production Nos. 3, 4, 5, and 6. Harvard was therefore required spend time and resources to file the Motion in order to receive responses to these discovery requests.

Only after Harvard moved to compel did Plaintiff reverse his position. On November 14, 2022, Plaintiff served Harvard with: (1) Supplemental Responses to Defendant's First Set of Requests for Production; (2) Supplemental Responses to Defendant's First Set of Interrogatories;

---

<sup>1</sup> The Amended Complaint incorrectly identifies the Harvard entities as "Harvard University, Harvard University Board of Overseers, and the [sic] President and Fellows of Harvard College." President and Fellows of Harvard College is the legal entity for Harvard and is the only proper party to this litigation.

(3) a Supplemental Production. On November 17, 2022, Harvard sent a letter Plaintiff identifying additional deficiencies in the supplemental responses, and asked Plaintiff to respond by November 21, 2022. Plaintiff supplemented his interrogatory responses again on November 23, 2022 to address the issues raised in Harvard's letter.

Accordingly, Harvard withdraws its motion.

Dated: November 25, 2022

Respectfully submitted,

/s/ Anton Metlitsky

Victoria L. Steinberg (BBO #666482)  
vsteinberg@toddweld.com  
TODD & WELD LLP  
One Federal Street  
Boston, MA 02110  
Telephone: (617) 624-4714  
Facsimile: (617) 624-4814

Anton Metlitsky (*pro hac vice*)  
ametlitsky@omm.com  
O'MELVENY & MYERS LLP  
7 Times Square  
New York, NY 10036  
Telephone: (212) 326-2000  
Facsimile: (212) 326-2061

*Attorneys for Defendants,  
Harvard University, Harvard University  
Board of Overseers, and the President and  
Fellows of Harvard College*

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 25, 2022.

*/s/ Anton Metlitsky*

Anton Metlitsky